

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON THURSDAY, FEBRUARY 15, 2007.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Messer, and President Larry Kochert. Mr. Blevins and Mr. Zurschmiede were absent.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Planning and Zoning, Shane Gibson, City Attorney, Anthony B. Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Schmidt moved to approve the regular meeting minutes of February 5, 2007, Mrs. Crump second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Valla Ann Bolovshak, spoke regarding Z-07-01. She stated that does not oppose the development just the way it has been presented to the council. She stated that she has listened to the council members say that they are tired of being forced to vote on items without all the information and after she has presented information to them from INDOT they choose to ignore the information. She stated that she does not have a dog in this fight she is just a citizen trying to help out her community.

John Gondor, 602 Captain Frank Road, discussed Z-07-01 he stated that the developers have lawyers and engineers who fight for them to get their projects through. The citizens who have to attend jobs all day and work in the evening with their neighbors have no one to advocate for them but themselves. He again discussed the issues with the steep slope and the dramatic change this development will bring to this neighborhood.

Annie Savino, 2229 Faucet Hill, spoke in opposition to Z-07-01 and presented a prepared memo regarding her and her husband's concerns and disagreements with the PUD along with attachments which is on file with the City Clerk's Office.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Gahan asked why the fire hiring ordinance was not on the agenda and what the status of this ordinance is.

Mr. Kochert stated that he believed that Mr. Blevins said this ordinance would be on the agenda at the March 15 meeting.

Mr. Gahan asked if Mr. Blevins pulled it from the agenda.

Ms. Wisman explained that she and Mr. Kochert were of the opinion that this ordinance was dead, and that Mr. Kochert said that it was up to Mr. Blevins whether this would go back on the agenda. Mr. Blevins did not contact her until after the agenda had gone out and he told her that he wanted it on the agenda at the March 15 meeting.

There was a lengthy discussion regarding whether or not the fire hiring ordinance should be on the agenda and why it was not and the procedure that dictates what should and shouldn't be on the agenda.

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Mr. Coffey stated that he did meet with Mr. Dietrich regarding storm water and that there is a monthly report that they received. He explained that for some reason the city has not been charging for permits for discharge and that is what the ordinances on the agenda are for. He explained to Mr. Gahan that in the past if someone was not present to introduce an ordinance it was assigned to someone else. He also explained that he got the information on the hiring process prior to the 2003 ordinance and that he had Ms. Wisman prepare an ordinance to repeal their current ordinance so that they could go back to that process. He explained that previously they had to pass the agility test and if they failed any of it they would have to wait until the next hiring period to take the test again. He stated that he will have an ordinance to repeal the current ordinance on the next agenda.

Mr. Kochert stated that they have a letter from Mr. Ulrich with his opinion of the fire hiring ordinances that they can look over it and discuss it at the next meeting.

Mrs. Crump stated that according to this letter they can't pass the ordinance they have been working on.

Mr. Coffey stated that he believes that we have the same problems with the current ordinance and that is why they should repeal what is on the books. He explained that what they have now has percentages that were typed in and he does not believe that they are the percentages that they voted for.

There was a lengthy discussion regarding the current fire hiring ordinance and the events that led up to its passage.

Ms. Wisman stated that she will research this and provide them with the information.

Mr. Price again mentioned that he feels that this is directly linked to the over-time problems and that they need to look at the big picture of how to reduce the amount of over-time being paid in the fire department. He stated that the administration has told them that the over-time is killing them.

Mrs. Crump stated that the hiring ordinance has nothing to do with what the fire fighters are paid.

There was a lengthy discussion regarding the needs of the fire department and adjusting the pay schedule.

Mr. Messer asked Mr. Ulrich if he had any recommendations for them to correct this problem.

Mr. Ulrich stated that for tonight this item is not on the agenda and that they do not need to for this discussion.

Mr. Schmidt stated that in regards to the storm water ordinances on the agenda tonight that there is already a drainage ordinance already on the books

Mr. Kochert asked if anyone knew why there needed to be changes.

Mr. Messer stated that he wants to know if there is already something on the books there is nothing in the ordinances before them to show what is being and amended. He also wanted to know whose fault it is that the city has been collecting this money already.

Mr. Schmidt stated that the collection of fees is already set out in the ordinance.

Mr. Kochert asked if this should be tabled.

Mr. Gahan stated that he wanted to discuss Mr. Tucker's article regarding the ad for the council on WNAS and asked that the Clerk read the ad.

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Ms. Wisman read the ad which is on file with the City Clerk's office.

Chief Toran asked when the audit for the ambulance service would take place.

Mrs. Crump stated that they have not been able to coordinate a meeting to get this done.

Chief Toran stated that in regards to the fire hiring ordinance that the president of the fire union and the committee felt that this was a fair ordinance and he feels that this is a stalling tactic. He stated that they either needed to vote it up or vote it down.

Mr. Rosenbarger stated that he went back and looked at the recommendations from the Plan Commission and feels that Z-07-01 is what was recommended by the Plan Commission. He stated the Plan Commission voted for this 8 to 2 in favor. He stated that his does not advocate of the developers they advocate for the Plan Commission that the developers can advocate for themselves. He stated that the in regards to Mrs. Savino's concerns over the height and density the developers will have to come back to the Plan Commission for a secondary review of the plan and at that point there is no limitations on the Commission as to the limits they can impose on the developer. He stated that this height is limit for an R-3 development but it can be adjusted by the Plan Commission during the second review.

There was a lengthy discussion regarding the height of building that can be built on this site the procedure the developers would have to go through to final height.

COMMUNICATIONS – MAYOR:

Mr. Price asked about Mayor about Mr. Metzmeier's claim that he did not get an opportunity to bid on the fire equipment.

Mayor Garner stated that the fire department handled all of that and he would need to talk with them. He asked when the fire hire ordinance would be brought back up.

Ms. Wisman reported that when she originally spoke with Mr. Blevins he stated that he did wanted to be put on for March 15, but that he told her the other day that he is going to try to make it to the first meeting in March and if he can it will be on them.

Mr. Coffey asked the Mayor if he would be comfortable with what he proposed earlier to repeal the current ordinance.

Mayor Garner stated that he and Chief Toran would be comfortable with that.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

Mr. Coffey moved to amend the agenda to move Z-07-01 forward, Mr. Schmidt second, all voted in favor.

Z-07-01	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-12-06: Pat & Pam Kelly – Summit Springs Development)	Crump 2&3
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Mrs. Crump moved for the second and third reading of Z-07-01, Mr. Coffey second,

Mr. Coffey stated that we need to start being open to new development in order to increase our tax base and then the 80% for the police and fire will no longer be 80%.

Mr. Schmidt voiced his concern with the 100 feet on the buildings.

Mr. Fifer stated that the 100 feet is not an entitlement that they need to come back to the Plan Commission for their review and they will have the discretion to deny their plan. He stated that because of the questions over the condos he doubts that this will be in the first phase of the project.

Mark Adams, QK4 engineering, spoke to Mr. Cox from INDOT and they have agreed that before they begin the construction that they will work with INDOT to have a traffic study.

Mr. Fifer stated that the most concern is the residential portion of the development and they are required to follow the stipulations. He explained that there is nothing cast in stone that these will be 100 foot buildings.

all voted in favor except Mr. Schmidt who voted nay and Mr. Kochert who abstained on the second reading and voted nay on the third. Bill Z-07-01 became Ordinance Z-07-05.

R-07-06	Transfer of Funds	Schmidt
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Mr. Schmidt moved for the reading of R-07-06, Mr. Coffey second,

Mr. Messer moved to amend F (6) to be worded according at IC 36-7-9 to have the money revert to the unsafe building fund, Mr. Price second, all voted in favor.

Ms. Wisman read R-07-06 in full as amended, all voted in favor by show of hands.

R-07-08	Resolution to Purchase Needed Equipment for Police Department	Price
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Mr. Price tabled this item until after the city hears back from the State regarding the approved budget. He stated that he would like to get a committee together to look into ways to reduce the needed budget of the police department and look at the take home car situation.

Mr. Kochert appointed Mr. Price chairman, and appointed Mr. Zurschmiede and himself to that committee.

Mrs. Crump stated that the cost of 10 new cars is nothing compared to what it will cost them if an officer gets hurt in one of these old cars.

There was a lengthy discussion regarding the take home car policy.

A-07-03	Additional Appropriation	Gahan 1
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Mr. Gahan moved for the first reading of G-07-03, Mrs. Crump second, all voted in favor.

G-07-03	Ordinance to Amend the Construction Runoff Quality Management Ordinance (G-06-03) to Provide for the Collection of Plan Review and Permit Fees	Coffey 1
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Mr. Coffey tabled both G-07-03 and G-07-04 until the council's questions could be answered.

G-07-04	An Ordinance to Establish a Fund For the Deposit Of Fees Paid To the City of New Albany, Indiana For Construction Site Plan Review and Inspection	Coffey 1
G-07-01	Ordinance of Intent to Issue Economic Development Revenue Bonds	Messer 2&3

Mr. Messer moved for the second and third reading of G-07-01, Mr. Coffey second, all voted in favor. Bill G-07-01 became Ordinance G-07-06.

Z-07-04	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-02-07: CDSN Properties, LLC)	Zurschmiede 2&3
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Mr. Messer moved for the second and third reading of Z-07-04, Mr. Price second, all voted in favor. Bill Z-07-04 became Ordinance Z-07-07.

Mr. Coffey stated that he understands everyone concerns but he had to ask what the purchase of police cars have to do with take home cars.

Mr. Kochert stated that we have to look at the over-all picture.

Mr. Messer explained that this is a Capital Expense and that is not in there budget.

Mr. Price stated that the Controller told them that she would like for them to hold up on spending money until the budget comes back from the State. He asked if we wanted to spend money that they're not sure they have.

Mr. Coffey asked Chief Harl is 5 cars could help for now.

There was a lengthy discussion regarding the needed police cars and the take home car policy.

Mr. Coffey asked Chief Harl who should ask for the money to cover the hiring of new police officers and how many officers are signed up to retire this year.

Chief Harl stated that there are 11 officers signed up to retire this year and that it takes about 7 months to train a new officer.

Mr. Kochert reiterated that he hoped that they could all get together to work on getting the police budget down.

Chief Harl discussed the gas program that is currently set up and informed the council that he puts almost all the gas in his vehicle to be an example to his officers.

MISCELLANEOUS COMMUNICATIONS: (public comments on non-agenda items)

Virgil Klienhalter, spoke on the smoking ban and read an article regarding a smoking ban in Hawaii and other studies that showed that second hand smoke is not harmful.

Tim Deatrick addressed the council and stated that he was surprised that they tabled the ordinance before them for the collection of permit fees. He explained to the council that it is an unfunded mandate that they have to issue these permits to new developments and that they have a contract with Soil and Water to do these inspections and currently the city is paying for these inspections rather than the developers.

Mr. Messer stated that there is a drainage fee on the books.

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Mr. Deatrick stated that this is a quality review process and that the developers are used to paying this fee in other counties.

There was a lengthy discussion regarding the fees and whether it is fair to charge the developers another fee.

Yvonne Kersey, 616 E. Main, stated that she saw pictures of City sanitation trucks that are currently sitting over in Louisville and she encouraged the council to do a resolution so they can look into the lease of these trucks, why the new company is using the city's building and why the trucks are so far out on Dixie Highway. She also would like for them to call in the department heads that are over budget to come in and explain to them why they are not staying within their budget. She also stated that if items are not listed in their budget for the year that they should be considering appropriating the money for these items. She also stated that she does not feel that they need to change the fire hiring ordinance because she feels that they are dumbing down the department.

Mr. Coffey stated that he does not believe that they are dumbing down the department because the fire fighters that are currently on the department that were hired before this ordinance are very capable. He also believes that the physical ability is just as important the mental abilities of a fire firefighter because the grueling work they have to perform.

There being no further business before the council, the meeting adjourned at 9:37 p.m.

Larry Kochert, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk